

3934. Misbranding of poultry feed. U. S. v. C. M. Harrison et al. (Harrison-Johnson Co.).
Plea of nolo contendere. Sentenced by court to pay costs of proceeding. (F. & D.
No. 5523. I. S. No. 4638-d.)

On December 3, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. M. Harrison and J. W. Johnson, copartners, trading under the firm name and style of the Harrison-Johnson Co., Napoleon, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 6, 1912, from the State of Ohio into the State of Indiana, of a quantity of poultry feed which was misbranded. The product was labeled: (On tag) "\$50 fine for using this tag second time. No. 4132, 25 pounds. Harrison-Johnson Company of Toledo, Ohio, guarantees this Anchor Brand Scratch Feed to contain not less than 4.0 per cent of crude fat; 11.0 per cent of crude protein and to be compounded from the following ingredients: Wheat, Corn, Kaffir, Barley, Oats, Milo Maize, Buckwheat, Sunflower Seed and Linseed Meal. W. J. Jones, Jr., State Chemist, Purdue University, Agricultural Experiment Station, Lafayette, Ind. Not good for more than 25 pounds."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	10.60
Ether extract (per cent).....	2.11
Protein (per cent).....	8.94
Crude fiber (per cent).....	1.58

Microscopical examination: The product consists of corn, wheat, buckwheat, sunflower seed, kaffir, oats, linseed cake, and grit about 9 per cent.

Misbranding of the product was alleged in the information for the reason that the label thereof bore the following statements concerning the ingredients thereof, to wit, "Harrison-Johnson Company of Toledo, Ohio, guarantees this Anchor Brand Scratch Feed to contain not less than 4.0 per cent of crude fat; 11.0 per cent of crude protein * * *", which said statement was false and misleading in that said article of poultry feed did not contain 4 per cent of fat and did not contain 11 per cent of protein, but did contain a less amount of fat, to wit, 2.11 per cent, and a less amount of protein, to wit, 8.94 per cent. Misbranding of the product was alleged for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that it contained the following proportions of fat and protein, to wit, 4 per cent and 11 per cent, respectively, whereas, in fact, it contained a less amount of said ingredients, to wit, 2.11 per cent of fat and 8.94 per cent of protein. Misbranding was alleged for the further reason that the label thereof purported and represented that said article was composed exclusively of the following edible ingredients, to wit, wheat, corn, kaffir, barley, oats, milo maize, buckwheat, sunflower seed, and linseed meal, whereas, in fact, the said article was not composed exclusively of the aforesaid edible ingredients, but was composed in part of a certain inedible ingredient, to wit, grit, in the amount of approximately 9 per cent.

On December 17, 1914, a plea of nolo contendere was entered on behalf of the defendant firm, and the court sentenced said firm to pay the costs of the proceeding.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.